



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) Attorney Docket No. 8611
MICHAEL J. CALLEJA)
Serial No. 10/612 210) Group Art Unit: 3634
Filed July 2, 2003) Examiner: J E Novosad
For OFFSET PALLET-RACK)
SAFETY NET SYSTEM)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response To Election/Restriction

Sir:

In response to the election/restriction set forth in the Office action mailed on December 7, 2004, applicant hereby provisionally elects claims 1 through 3 for examination, with traverse.

CERTIFICATE OF DEPOSIT IN FIRST CLASS MAIL

I hereby certify that, on this date, this paper and all enclosures referred to herein are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 13, 2004

Robert Charles Hill
Robert Charles Hill

The Examiner has required restriction between claims 1-3, drawn to a warehouse safety device (classified in class 211, subclass 180), and claims 4 and 5, drawn to an offset bracket (classified in class 211, subclass 192). Restriction was required because the Examiner thought that the combination as claimed in 1-3 did not require the particulars of the subcombination as claimed 4-5 because the combination does not require a pair of arms. Also, the Examiner thought that the subcombination has separate utility such as use without a pallet rack.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application. In the present case, although the claimed subject matter may be classified in different classes, the inventions are not distinct because claim 4, like claims 1-3, requires that the offset bracket is attached to a pallet rack. Accordingly, claim 4 does not have separate utility such as use without a pallet rack.

In view of the above, it is respectfully requested that the restriction requirement as to claim 4 be withdrawn, and that claims 1-4 be examined.

Dated: December 13, 2004

Respectfully submitted,

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